

Appl. No. 09/687,138
Amdt. dated October 17, 2003
Reply to Office Action of September 26, 2003

PATENT

REMARKS/ARGUMENTS

Amendments

The specification is updated to cross-reference application serial number. Also, claims are modified in the amendment in a manner supported by the specification. More specifically, claims 1, 10 and 20 have been amended. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §102 Rejection, Ganek et al.

The Examiner has rejected claims 1-3, 5-6, 8-9 and 20 under 35 U.S.C. §102(b) as being anticipated by Ganek et al. (U.S. Patent No. 5,724,646). The amendments make clear that the claims require pre-storing a portion of the program. In one embodiment, this allows substantially immediate playback of the program from a NVOD line-up. In contrast, Ganek et al. requires that the user wait either a stagger time period or a lead-in time period before viewing the program. See col. 6, line 65, through col. 7, line 23. Clearly, viewers do not wish to wait for their program to become available.

35 U.S.C. §103 Rejection, Ganek et al.

The Examiner has rejected claims 4, 7 and 10-19 under 35 U.S.C. §103(a) as being unpatentable over Ganek et al. (U.S. Patent No. 5,724,646) in view of Knee et al. (U.S. Patent No. 5,589,892). The amendment to the claims are believed to moot this rejection because Ganek et al. does not teach pre-storing a portion of the program before requested by the user.

CONCLUSION


In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. Reconsideration of the claims in their current form is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Thomas D. Franklin
Reg. No. 43,616

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
TDF:cmb
60060089 v1

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